

THE DEFENDER NEWSLETTER



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WELCOME BACK TO THE SJB-RWDSU DEFENDER

The SJB-RWDSU *Defender* is back! After a hiatus, we wanted to revive the publication to keep you up to date on what's going on in the union and beyond. We'll be publishing the *Defender* every couple months. In between issues, you can also

visit the SJB-RWDSU website at rwdsu.sk.ca for up-to-date information, including meeting times of your local. We hope you enjoy this issue of the *Defender*. Solidarity!

40TH BI-ANNUAL RWDSU CONVENTION



JUNE 5,6 & 7, 2019
HUMBOLDT, SASKATCHEWAN

*Reflection
by [illegible]*

RWDSU CONVENTION

The 2019 Saskatchewan Joint Board – Retail, Wholesale, and Department Store Union (SJB-RWDSU) Convention was a great success. Held in Humbolt, on Treaty 6 territory, at the Bella Vista Inn, convention delegates from around the province came together, along with invited guests from as far as Vancouver. Several resolutions were passed, and a number of speeches were given.

UNION DUES INCREASE

The SJB-RWDSU has long had some of the lowest Union Dues in the province. Full-time employees paid 1.45% of their gross monthly salary, and part-time members pay 2.00%. But the costs of operating the union keep going up, and with Sobeys potentially breaking up Safeway locations so employees at each location have to bargain a separate collective bargaining agreement (CBA), the union's costs may continue to increase. So the Executive Board of the union brought forward a resolution to increase Dues, through a Constitutional Amendment to Article 10 (b) (i) and (b) (ii) Revenue. The resolution read:

"Therefore, be it resolved that effective January 1, 2020 the 2019 convention approve a union due increase of 0.55% for all full-time and part-time employees as follows:

(i) Effective January 1, 2020, Union Dues for all full-time employed members of Local Unions affiliated with the Joint Board shall be 2.0% of a full-time employed member's gross monthly earnings.

(ii) Effective January 1, 2020, Union Dues for all part-time employed members of Local Unions affiliated with the Joint Board shall be 2.55% of a part-time employed

The dues increase will be phased in starting January 1, 2020, as the individual collective agreements mandated that wage increases take effect throughout the 2020 calendar year.

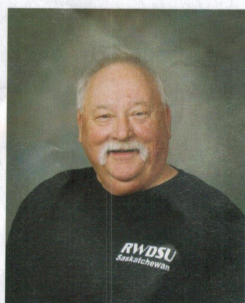
member's gross monthly earnings up to a maximum Dues payable by a full-time employee at the top rate of pay in the job classification used by shops of the Local Union to establish the "base rate" under the Dues formula of the Local Union prior to January 1, 2020. The calculation used to determine the maximum Dues payable by a part-time employed member shall be based on the regular hours of work of a full-time employee."

The resolution was passed almost unanimously by the convention delegates. The dues increase will be phased in starting January 1, 2020, as the individual collective agreements mandated that wage increases take effect throughout the 2020 calendar year.

Your SJB-RWDSU President, Secretary Treasurer, and Vice-Presidents



Wanda Bartlett
President



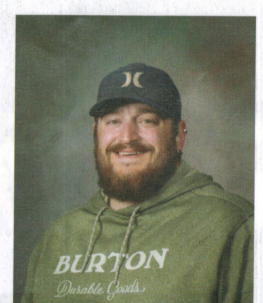
Gary Burkart
Secretary-
Treasurer



Craig Horbay
Vice-President
General Division



Bonnie Lewis
Vice-President
Co-op Division



Blair Estey
Vice-President
Food Division

OTHER RESOLUTIONS

- A resolution was passed to increase the initiation fee for new members from \$4 to \$20. The rate had not been changed since 1970.
- The union has a Legal and Organizing Fund, which can be used for court battles to defend members' rights. The Fund was capped at \$1.5 million dollars, but a resolution was brought forward by the Executive Board to remove the cap, as costs from

one or more legal battles can pile up fast. Delegates voted in favour of the resolution, and the cap on the Fund has been removed.

- A \$1,600 annual scholarship was created in Larry Hubich's name. Hubich was President of the Saskatchewan Federation of Labour (SFL) for 16 years, and fought all the way to the Supreme Court for workers' constitutional right to strike, and won.

SPEAKERS

A number of people spoke at the convention.

As usual, President Wanda Bartlett and Secretary-Treasurer Garry Burkart presented their reports to the convention and took questions.

Guest speakers included leader of the Saskatchewan NDP Ryan Meili; Deanna Ogle with the Canadian Labour Congress (CLC) speaking about the campaign for a national pharmacare plan which would see the government cover the costs of all prescription medications; Big Daddy Tazz speaking about mental illness (in a funny and heartfelt way); political science professor Charles Smith talking about the Winnipeg 1919 General Strike; and Mark Crawford from the Unemployed Workers Centre.

There were also fraternal greetings from a number

of representatives of unions that are affiliated with or friendly with the SJB-RWDSU. These included Janice Bernier with the Saskatchewan Federation of Union Retirees (SFUR); Darla Deguire, regional director of the CLC; Hugh Wagner, General Secretary of the Grain Services Union (GSU); Rob Ashton, President of the International Longshore and Warehouse Union (ILWU); Lori Johb, President of the Saskatchewan Federation of Labour (SFL); Gerry Gault of ILWU Local 333; and Mike Molag President of Local 581 from the Retail Wholesale Union of B.C.

The Jack Semple Band got the convention dancing one night, and a game of Holey Board had just about everyone involved the night before.

SASK. JOINT BOARD ISSUES

- President Wanda Bartlett has been successfully re-elected to another term as the Vice President of the labour caucus within the provincial NDP Executive Board.
- We have seen the closure of one of our oldest certifications. Signal Industries closed after 65 years in business, impacting the last 14 long term employees. The company was purchased a few years ago by an Alberta-based company, which is moving the work to a non-union company in Alberta.
- Canada Bread in Saskatoon is closing its last retail Bread Basket Store, impacting four employees.
- An agreement has been reached with the Conexus Arts Centre in Regina on a transfer of obligations, where they will take over the Legislative Cafeteria,

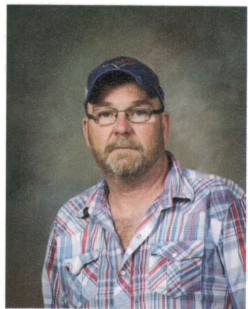
and its assets and employees, and run that cafeteria under the Conexus Art Centre CBA. SJB-RWDSU will continue to represent those employees.

- Sobeys/Safeway has filed a Labour Relations Board (LRB) application to have all Department Managers excluded under the scope clauses of the CBA under the Saskatchewan Employment Act (SEA). The SJB-RWDSU has commenced a legal action to challenge the constitutionality of the definition of "supervisory employee," as defined under SEA s. 6 -1(1) (o) and specifically ss. 6-11(3) to 6-11(5). This section of the SEA essentially excludes supervisory employees from being in the same union as the employees that they are supervising and in some cases bars supervisory employees from joining a union.

NEGOTIATIONS &

GENERAL DIVISION

We're excited to welcome the executives voted in at the 2019 convention!



Dean Colbow
General Division



Katey McGovern
General Division



Lee Racette
General Division



Kyle Hynne
Young Worker
General Division



Melissa Patterson
1st Alternate
General Division



Dean Welcher
2nd Alternate
General Division

We are in negotiations in several of our General Division units:

- The Conexus Arts Centre, the Casino Regina, and the Casino Moose Jaw, because of their public sector status under the Sask. Liquor and Gaming Authority (SLGA), have been caught under the provincial government's 3.5% wage rollback mandate. They are in a holding pattern on their negotiations, pending the outcome of the negotiations of the big public sector unions.
- At the recent Sask. Federation of Labour (SFL) convention, the Sask. Labour Minister announced that the 3.5% wage rollback is officially off the table. This means we will be able to get back to some meaningful negotiations and hopefully get those two CBAs concluded.
- At the Temple Gardens Hotel & Spa in Moose Jaw, a three-year renewal collective agreement was ratified on March 7, 2019.
- At Canadian Linen's locations in both Saskatoon and Regina, negotiations have come to an impasse, with an application pursuant to the SEA to the Minister of Labour requesting that he appoint a mediator. Following that process, if a settlement has not been reached, then the members will discuss taking a strike vote.
- At AlSCO Linen a four-year renewal CBA has been ratified, with wage increases of 8% of the term.
- At the Conexus Arts Centre, a tentative settlement has been reached.
- Evraz Place is currently in negotiations for a renewal CBA

CO-OP DIVISION

Congratulations to the executives voted in at the 2019 convention!

We are in negotiations with Kindersley Co-op, Discovery Co-op (North Battleford), and Saskatoon Co-op (RWDSU location only). The biggest issue in this round of negotiations with Federated Co-op's Retail Co-op Stores may be their proposal for a second tier of lower wages for new hires. It's clear they are serious about this issue – there were two strikes over this issue with Moose Jaw Co-op and Saskatoon Co-op, which are represented by UFCW Local 1400.



Darren Deck
Co-op Division

NEW EXECUTIVES

FOOD DIVISION

A warm welcome to the executives voted in at the 2019 convention!



Susan Butson
Food Division



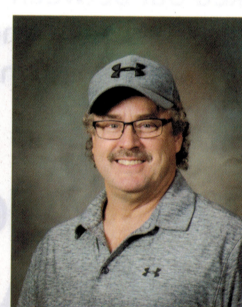
Elaine Davies
Food Division



Jeremy Jijian
Food Division



Shayna Kavanagh
Young Worker
Food Division



Ken Mayes
1st Alternate
Food Division



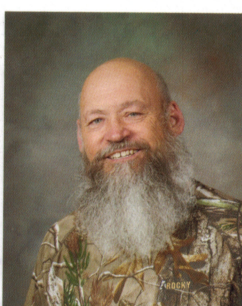
Sheri Kavanagh
2nd Alternate
Food Division

We are in negotiations in several of our Food Division units:

- Sobeys' Safeway Division CBA re-opener must be served in May 2019. If a renewal CBA has not been reached by September 1, 2019, the CBA will be settled through binding-interest arbitration.
- The corporate Sobeys stores in Regina are in discussions to review the company benefit plans and consider possible alternatives. However, there will be no change to a different plan unless the benefits are equal to or better than the current plan.
- The Sask. Labour Relations Board has allowed Sobeys to third-party franchise their stores. That will continue to cause issues for RWDSU because where RWDSU used to have a single provincial CBA with Canada Safeway, we are now negotiating three separate agreements. As we go forward there could be as many 15 separate CBAs.
- Further, Sobeys is introducing their low-cost FreshCo stores into Saskatchewan. They are demanding a separate CBA be negotiated with lower wages and benefits than they have in the Sobeys and Safeway stores. We have been told that they will be converting some existing Safeway stores – Saskatoon's Market Mall, Confederation, and 33rd Street Safeway locations, as well as Regina's Regent Park Safeway – to the FreshCo brand stores. All affected employees will be issued layoff notices during the transition period, and seniority will play a role in the bumping process under the Collective Agreement. However, RWDSU has not been given any details yet as to which stores will be affected.
- At McKesson Pharmaceutical CBA Warehouse in Regina, a tentative settlement has been reached and ratified.
- At Sysco Warehouse, a 4-year renewal CBA was reached and ratified.



Anna Pierno
Co-op Division



Kevin Stark
Co-op Division



Alisha Friesen
Young Worker
Co-op Division



Shaynee Modien
1st Alternate
Co-op Division



Brenda Krasiun
2nd Alternate
Co-op Division



Andrew VanNorren
Young Worker Alt.
Co-op Division

ARBITRATIONS & DECISIONS

When disputes between workers (with help from their union) and employers can't be worked out between them, arbitrators will hear the case and make a binding decision. We have a number of arbitrations on the go within all our divisions, and we are winning more than we are losing, which is a positive thing.

OUTSTANDING GRIEVANCE ARBITRATIONS

EVRAZ PLACE:

- Contracting out grievance – scheduled for hearing in November



The Brandt Centre at Evraz Place in Regina (Photo via CJME News)

SYSKO WAREHOUSE:

- Termination arbitration – Scheduled for arbitration hearing on May 31, 2019
- Attendance management policy arbitration – Scheduled for hearing on June 10, 2019
- Promotion grievance – Scheduled for hearing on June 17, 2019

TEMPLE GARDENS HOTEL & SPA:

- Promotion grievance – Arbitration was completed January 7, 8 and 9, 2019. A decision is pending

SIGNAL INDUSTRIES:

- Contracting out policy grievance – Scheduled for hearing May 7, 2019

PEPSICO:

- Policy grievance – Arbitration pending, no scheduled hearing dates

SHERWOOD CO-OP:

- Two dismissal grievances – Scheduled for hearing June 10, 2019

CONCLUDED ARBITRATIONS

- RWDSU Local 568 brought a grievance against Brinks Canada forward on behalf of an employee. The grievance was "about the failure of the Employer to call the Grievor in to work an overtime shift on September 27,

2016 when, according to the Grievor, he was the most senior, willing and available employee to work the shift but was not made aware of it." The employer argued that this had happened "because the circumstance was

considered an emergency, which allowed a member of management to perform bargaining-unit work.” The arbitrator ruled that the situation was not an emergency and that the employer was offside. The employee was awarded full pay for the lost hours of work.

- A grievance was fought for by RWDSU Local 544 against Discovery Co-op. The Grievor claimed “he has been short-changed nine weeks of paid vacation over the course of his employment dating back to November 1, 1977, while he attended high school, to the current date.” A grievance must be presented to the Employer within ten days of the event causing such grievance, according to labour laws. But there was a delay of years before this specific grievance was filed, though grievances had been filed in 1986 and 2000. Because of the delay, the arbitrator dismissed the grievance.
- An employee with a disability who had been dismissed from his job by the Regina Exhibition Association Limited (REAL) was reinstated after the RWDSU brought their grievance to arbitration. The employee has ADHD (attention deficit hyperactivity disorder) and presented the employer with a medical note from a psychologist. The decision stated “that the Employer had no just cause to terminate the Grievor’s employment based on conduct linked to his ADHD disability.” The employee was reinstated with the benefits and seniority he would have earned had he not been unjustly fired.
- Back-pay was awarded to a Sobeys (Safeway Division) employee after RWDSU Local 454 brought the matter to arbitration. The collective agreement clearly called for back pay to be paid, but this employee had been suspended and fired, then reinstated with a settlement agreement. The employer tried to argue that the settlement agreement settled all matters, and disqualified the employee from receiving back pay. The arbitrator decided that denying “the Grievor back pay for the over three and a half year[s] he worked before his removal, in the absence of a clear intent and agreement to do so, strikes me as unfair and unreasonable,” and so ordered the back pay be paid.
- A Temple Gardens Hotel & Spa employee was reinstated in 2018 after it was found they were fired without just cause.

Beeland Co-op argued that the job descriptions have supervisor duties in them, so the lack of manager doesn’t change the job. But the labour board arbitrator ruled in January that the collective agreement supersedes job descriptions.

- A grievance fought for by RWDSU Local 496 was upheld against Beeland Co-op (C-store). The issue was about whether certain clerks should get a \$1/hour wage increase when no manager is present and clerks take on supervisor duties. Beeland Co-op argued that the job descriptions have supervisor duties in them so the lack of manager doesn’t change the job. The Arbitration Board arbitrator ruled that the job descriptions were created without union involvement; the collective agreement supersedes job descriptions; and because the \$1/hour increase is clearly stated in the collective agreement, it must be paid.
- Also at Beeland Co-op, RWDSU Local 496 argued that an unfair labour practice had been committed “by hiring [a] pharmacy manager prior to obtaining either agreement with the Union or Board Order determining whether the position would be in-scope or out-of-scope.” The Labour Board agreed.
- Another interesting case was the Canadian Union of Public Employees (CUPE) Local 2268 winning its case in 2017 against the Board of Education of St. Paul’s Roman Catholic Separate School Division #20. The employer had denied union leave to an employee, even though the collective agreement clearly stated “An employee who is elected or selected for a full-time position with the Union shall be granted Leave of Absence for a period of up to one (1) calendar year.” The arbitrator found that “As long as the criteria for the leave are established, there is no discretion on the Employer to grant the leave within the stated conditions.”

NEWS ROUNDUP

- The federal Liberal government is changing Canadian Pension Plan (CPP) regulations so that contributors over the age of 70 will be automatically enrolled to receive benefits. Until now, seniors had to apply to receive their pensions, which meant some people missed out because they applied late or not at all. (Moneysense.ca, March 19, 2019)
- Volvo Cars launched a new gender-neutral paid parental leave policy for all sales company employees in the EMEA region (Europe, Middle East, and Africa). This gives parents, regardless of gender, a total of six months of leave with 80 per cent pay. (Volvo, May 6, 2019)
- Calls for a national pharmacare plan have been increasing. The federal NDP promises it will bring in universal pharmacare to cover the cost of prescription drugs if they win the election this fall. An analysis from the parliamentary budget officer says the total cost of a national pharmacare program would be \$23.7 billion in 2020, representing \$4.2 billion in savings each year over the current amount being spent on drugs in Canada. The cost would shift from individuals to the government, paid for by tax dollars. The Liberals are proposing a more limited form of a pharmacare plan, covering a portion but not all of the cost of prescription drugs. Leaders of labour federations across the country, including the Saskatchewan Federation of Labour (SFL), are calling for a comprehensive, universal pharmacare plan.

(CANADIAN PRESS, APRIL 1, 2019)

- Workers over the age of 55 could make up more than a quarter of Canada's labour force by 2036, according to new labour force predictions from Statistics Canada. The country's workforce participation rate will continue to decrease from its peak of 68 per cent in 2008 to 63 per cent in 2036, the agency predicts. The report attributed the decline to population aging, as baby boomers move toward retirement. The last of the boomer cohort will reach age 65 in 2031. (benefitscanada.com, April 4, 2019)
- The Bank of America has announced it is raising the minimum wage it pays its employees to \$20 per hour by 2021. It remains to be seen what the minimum wage is for work it sub-contracts, like custodial services. (CNBC.com, April 9, 2019)
- Canada's parliamentary budget office predicts that most people in Canada will get more back from the carbon rebate than they will pay in carbon tax. The average household in Saskatchewan is expected to pay \$425 in carbon tax this past year, and will get \$598 back from the rebate. The rebate only is paid out to people who file taxes. (Canadian Press, April 25, 2019)
- In the Netherlands, an employer must submit two separate applications to get approval before firing an employee. The employer needs to legally justify the dismissal with evidence, and the employee gets to make their case. There are some exceptions for dismissal with urgent cause. (Mondaq Business Briefing, March 26, 2019)



Eric Hoskins, the Chair of the Advisory Council on the Implementation of National Pharmacare, at a media scrum. On June 12, 2019, the Advisory Council released a report that recommended a universal, single-payer public pharmacare system for Canada. (Photo via Max Delaquis/Flickr)